Executive Summary – Enforcement Matter – Case No. 51837 Aqua Utilities, Inc. RN101232676 Docket No. 2016-0179-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Centennial Place, 4831 Lewis Lane near Pearland, Brazoria County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 10, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$684

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$684 **Total Due to General Revenue:** \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: N/A **Applicable Penalty Policy:** April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 4, 2016

Date(s) of NOE(s): January 28, 2016

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Violation Information

- 1. Failed to obtain a sanitary control easement covering land within 150 feet of Well No. 1 [30 Tex. Admin. Code § 290.41(c)(1)(F)].
- 2. Failed to provide a thorough and up-to-date plant operations manual for operator review and reference [30 Tex. Admin. Code § 290.42(l)].
- 3. Failed to calibrate the Facility's well meter at least once every three years [30 Tex. Admin. Code § 290.46(s)(1)].
- 4. Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 Tex. ADMIN. CODE § 290.46(n)(2)].
- 5. Failed to provide a pressure tank capacity of 50 gallons per connection [30 Tex. Admin. Code § 290.45(b)(1)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, calibrate the Facility's well meter.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days:
- i. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference; and
- ii. Provide an up-to-date map of the distribution system that includes the locations of all mains and valves.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days, either obtain a sanitary control easement that covers all land within 150 feet of Well No. 1 or obtain an exception to the requirement.
- f. Within 105 days, submit written certification to demonstrate compliance with e.

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- g. Within 180 days, provide a minimum pressure tank capacity of 50 gallons per connection.
- h. Within 195 days, submit written certification to demonstrate compliance with g.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2571; Michael Parrish, Enforcement Division, MC 219,

(512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Robert Laughman, President, Aqua Utilities, Inc., 1106 Clayton Lane,

Suite 400W, Austin, Texas 78723 Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 Assigned 1-Feb-2016 Screening 3-Feb-2016 PCW 3-Feb-2016 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Aqua Utilities, Inc. Reg. Ent. Ref. No. RN101232676 Major/Minor Source Major Facility/Site Region 12-Houston **CASE INFORMATION** Enf./Case ID No. 51837 No. of Violations 5 Docket No. 2016-0179-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit No Multi-Media Enf. Coordinator Ryan Byer EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum Maximum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$590 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 10.0% Adjustment Subtotals 2, 3, & 7 \$59 Enhancement for two NOVs with the same/similar violations. Notes Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts Capped at the Total EB \$ Amount Estimated Cost of Compliance SUM OF SUBTOTALS 1-7 \$649 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 5.4% Adjustment \$35 Reduces or enhances the Final Subtotal by the indicated percentage Enhancement to capture the avoided costs of compliance associated with Notes Violation No. 3.

STATUTORY LIMIT ADJUSTMENT

Notes

Reduces the Final Assessed Penalty by the indicated percentage.

DEFERRAL

Final Penalty Amount

Final Assessed Penalty

Reduction **Adjustment**

0.0%

licated percentage. (Enter number only; e.g. 20 for 20% redo No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$684

\$684

\$684

\$0

PCW

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent Aqua Utilities, Inc.

Case ID No. 51837

Reg. Ent. Reference No. RN101232676

Media [Statute] Public Water Supply

Enf. Coordinator Ryan Byer

	Written notices of violation ("NOVs") with same or similar violations as those		e Adjust
NOV			ļ
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number orders meeting criteria)	0	0%
Orde	Any adjudicated final enforcement orders, agreed final enforcement order without a denial of liability, or default orders of this state or the feder government, or any final prohibitory emergency orders issued by the commission	ral 0	0%
Judgm and Cor	(consent decrees meeting criteria)		0%
Decre	1Any adjudicated final court judgments and default judgments, or non-adjudicat		0%
Convict	ons Any criminal convictions of this state or the federal government (number counts)	of 0	0%
Emissi	Chronic excessive emissions events (number of events)	- 0	0%
Audi	Letters notifying the executive director of an intended audit conducted under t Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislatur 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Au- Privilege Act, 74th Legislature, 1995 (number of audits for which violations we disclosed)		0%
		Please Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Othe	Voluntary on-site compliance assessments conducted by the executive direct under a special assistance program	or No	0%
Curk	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or feder government environmental requirements	ral No	0%
	Adjustment F	Percentage (Sui	btotal 2
peat Vio	ator (Subtotal 3)		
1	N/A Adjustment F	Percentage (Sui	btotal 3
mplianc	History Person Classification (Subtotal 7)		
Satisfa	ctory Performer Adjustment F	Percentage (Sul	btotal 7
mpliance	History Summary		
Compli Histo Note	ry Enhancement for two NOVs with the same/similar violations.		

	Date 3-Feb-2016	Docket No. 2016-0179-PWS-E	PCW
	ndent Aqua Utilities, Inc.		Revision 4 (April 2014)
	D No. 51837	PCW R	evision March 26, 2014
Reg. Ent. Reference			
	atute] Public Water Supply inator Ryan Byer		
Violation N			
	<u> </u>		
Rule	Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F)	
			-
		- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	
Violation Desc	cription Falled to obtain a s	anitary control easement covering land within 150 feet of Well No. 1.	
		Base Penalty	\$1,000
%% Emijiran mantal I	Description and Horman I	Janleh Mateiu	
>> Elivirollillelital, 1	Property and Human I	larm	
F		derate Minor	
OR	Actual		
F	Potential	X Percent 7.0%	
>>Programmatic Ma		dorato Minor	
raisii	fication Major Mo	derate Minor Percent 0.0%	
		Percent 0.0%	
	.:		
Matrix Failur	e to have a sanitary control e	asement in place could allow activities to occur next to the well	
		n of the well, exposing persons served by the Facility to an nts which would not exceed levels protective of human health.	
Hisigi	Timicane amount of containing	nts which would hot exceed levels protective of hamait health.	
		*** * *** ***	
		Adjustment \$930	
			\$70
Violation Events			
Nium	mber of Violation Events	1 30 Number of violation days	1
Nul	inder or violation Events		
	daily		
	weekly		
,	, monthly		
	only one quarterly	Violation Base Penalty	\$70
	semiannual		
	annual		
	single event	X	
	One	e single event is recommended.	
	<u> </u>	A A A A A A A A A A A A A A A A A A A	
<u>1</u>			
Good Faith Efforts t	o Comply	0.0% Reduction	\$0
		NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary		
	N/A	X (mark with x)	
	The	Respondent does not meet the good faith criteria for	
	Notes	this violation.	
	<u> </u>		
		Violation Subtotal	\$70
			4,0
Economic Benefit (E	B) for this violation	Statutory Limit Test	
	California de Porto de La Companya d	63	16.1
	Estimated EB Amount	\$2 Violation Final Penalty Total	\$81
	• т	his violation Final Assessed Penalty (adjusted for limits)	\$81
			1.2.2

Media Violation No.	Public Water 9	Supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)			estimated amou	0.00 1.68 unt to o	\$0 \$2 btain and record a	n/a n/a sänitary control ea	\$0 \$2 sement for the
Permit Costs	The delayed well, calculat	cost includes the e ed from the date t	estimated amou the violation wa	0.00 1.68 unt to o	\$0 \$2 btain and record a lly documented to	n/a n/a	\$0 \$2 sement for the of compliance.
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	The delayed well, calculat	cost includes the e ed from the date t	estimated amou the violation wa	0.00 1.68 unt to o as initia enterii	\$0 \$2 btain and record a lly documented to ng item (except \$0	n/a n/a sanitary control ea the estimated date for one-time avoid	\$0 \$2 sement for the of compliance. ded costs) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	The delayed well, calculat	cost includes the e ed from the date t	estimated amou the violation wa	0.00 1.68 unt to o as initia enterii 0.00 0.00 0.00	\$0 \$2 btain and record a lly documented to ng item (except \$0 \$0 \$0 \$0	n/a n/a sanitary control ea the estimated date for one-time avoid	\$0 \$2 sement for the of compliance. ded costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	The delayed well, calculat	cost includes the e ed from the date t	estimated amou the violation wa	0.00 1.68 unt to o as initia enterii 0.00 0.00 0.00 0.00	\$0 \$2 btain and record a lly documented to ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n sanitary control ea the estimated date for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 sement for the of compliance. ded costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	The delayed well, calculat	cost includes the e ed from the date t	estimated amou the violation wa	0.00 1.68 Int to o as initia enterii 0.00 0.00 0.00 0.00 0.00	\$0 \$2 btain and record a lly documented to ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n sanitary control ea the estimated date for one-time avoid	\$0 \$2 sement for the of compliance. ded costs) \$0 \$0 \$0 \$0 \$0
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Respondent Aqua Unities, Inc.	Screening Date	3-Feb-2016	Docket N	0. 2016-0179-PWS-E	Pi	CW
Reg. Ent. Reference No. RN1901222676 Media [Statute] Dublic Water Supply Finf. Coordinator Syen Byer Violation Number Rule Cite(s) Violation Description Failed to provide a thorough and up-to-date plant operations manual for operator review and reference. Base Penalty \$1,000 >> Environmental, Property and Human Health Matrix Human Percent 0.0% Actual Potential Percent 15.0% Addition Percent 15.0% Matrix Percent 15						
Media [Statute] Public Water Supply					PCW Revision March 26	, 2014
State Stat						
Violation Description Falled to provide a thorough and up-to-date plant operators manual for operator review and reference.	Enf. Coordinator	Ryan Byer				
Violation Description Falled to provide a thorough and up-to-date plant operations manual for operator review and reference. Base Penalty \$1,000 >> Environmental, Property and Human Health Matrix Release Major Moderate Minor Percent 0.0% >> Programmatic Matrix Falsification Major Moderate Minor Percent 15.0% Matrix Rotes 100% of the rule requirement was not met. **Adjustment 5850 **Violation Events** Number of violation Events **Number of violation Base Penalty 5150 **Siston Major Moderate Minor Percent 15.0% **Adjustment 5850 **Violation Events** **One single event is recommended. **Good Faith Efforts to Comply 0.0% **One single event is recommended.** **Good Faith Efforts to Comply 0.0% **Ordinary 1000 **Violation Subtotal 5150 **Estimated EB Amount 5E Violation Final Penalty Total 5174		<u> </u>				
Sase Penalty S1,000	Rule Cite(s)		30 Tex. Admin. Code § 2	90.42(1)		
Sase Penalty S1,000						
Sase Penalty S1,000						
Sase Penalty S1,000	Violation Description	Falled to provide a thor		•	aracor	
>> Environmental, Property and Human Health Matrix Harm						
>> Environmental, Property and Human Health Matrix Harm Moderate Milnor Moderate Milnor						
Number of Violation Events Number of Viol				Base P	enalty \$	1,000
Number of Violation Events Number of Viol					-	
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Falsification Major Moderate Minor Percent 15.0%	Potentia	/ L		Percent 0.0%		
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Matrix Notes Matrix Notes	Falsification	717 77 77 77 77 77 77 77 77 77 77 77 77	te Minor			
Adjustment \$850		<u> X </u>		Percent 15.0%		
Adjustment \$850						
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Mark only one with an x Mark only one single event Mark one singl					ASSERBESSESSES	
Weekly	Number of	Violation Events		Number of violation day	/S	
Weekly monthly Quarterly semiannual annual single event X		daily				
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Estimated EB Amount \$8 Violation Final Penalty Total \$174				Violation Su	IDTOTAL	\$150
Estimated EB Amount \$8 Violation Final Penalty Total \$174	Economic Benefit (EB) fo	r this violation		Statutory Limit To	est	
	Ectima	ted FR Amount	<u>₹</u> 8]		<u> </u>	\$174
This violation Final Assessed Penalty (adjusted for limits) \$174	Lettina	-				
		This	violation Final Assesse	d Penalty (adjusted for i	limits)	\$174

	Public Water S					Percent Interest	Years of
Violation No.	2	ianti librita da di karangana tang		43812812 4 59	eniki fizi Malufo Codatno di Godo	r ol	Depreciation
	Item Cost	Date Required	Final Date	Vre	Interest Saved	5.0 Onetime Costs	15 EB Amount
Item Description						5.000	
	THE COMMISSION						
Delayed Costs							
Equipment				0.00	\$0	\$0 1	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	11-Mar-2015	13-Sep-2016	1.51	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	The same	1		0.00	\$0	l n/a l	\$0
Permit Costs				0.00	\$0	ri/e	\$0
Permit Costs Other (as needed)	11			0.00 0.00 ount to	\$0 \$0 compile and begi	n/a n/a n maintainíng a plar	\$0 \$0 at operations
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Other (as needed) Notes for DELAYED costs Avoided Costs	manual,	calculated from th	ne date the viola	0.00 0.00 ount to ation w compli	\$0 \$0 compile and beging as initially docume iance.	n/a n/a n maintaining a plar ented to the estimat for one-time avoid	\$0 \$0 at operations ed date of
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	manual,	calculated from th	ne date the viola	0.00 0.00 ount to ation w compliance entering	\$0 \$0 compile and beging as initially docume indications.	n/a n/a n maintaining a plar ented to the estimat for one-time avoid	\$0 \$0 at operations ed date of ded costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	manual,	calculated from th	ne date the viola	0.00 0.00 ount to ation w compliance entering 0.00 0.00	\$0 \$0 compile and beging as initially docume iance. ing item (except \$0 \$0	n/a n/a n/a n maintaining a plar ented to the estimat for one-time avoid \$0 \$0	\$0 \$0 at operations ed date of ded costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	manual,	calculated from th	ne date the viola	o.00 0.00 cunt to ation w complia complia 0.00 0.00 0.00	\$0 \$0 compile and beging as initially documentations. ing item (except \$0 \$0 \$0	n/a n/a n maintaining a plar ented to the estimat for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 at operations ed date of ded costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/Equipment	manual,	calculated from th	ne date the viola	0.00 0.00 ount to ation w compli enteria 0.00 0.00 0.00	\$0 \$0 compile and beging as initially documentations. Some item (except \$0 \$0 \$0 \$0	n/a n/a n/a n maintaining a plar ented to the estimat for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 at operations ed date of ded costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Ispection/Reporting/Sampling	manual,	calculated from th	ne date the viola	o.00 0.00 cunt to ation w complia complia 0.00 0.00 0.00	\$0 \$0 compile and beging as initially documentations. ing item (except \$0 \$0 \$0	n/a n/a n maintaining a plar ented to the estimat for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 at operations ed date of ded costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	manual,	calculated from th	ne date the viola	0.00 0.00 ount to ation w compli enteria 0.00 0.00 0.00 0.00	\$0 \$0 compile and beging as initially documentance. Ingitem (except \$0 \$0 \$0 \$0 \$0	n/a n/a n maintaining a plarented to the estimat for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 at operations ed date of ded costs) \$0 \$0 \$0 \$0

Screening Date	3-Feb-2016	Docket No. 2016-0179-PWS-E	PCW
	Aqua Utilities, Inc.		Policy Revision 4 (April 2014)
Case ID No. Reg. Ent. Reference No.			PCW Revision March 26, 2014
	Public Water Supply		
Enf. Coordinator			
Violation Number			
Rule Cite(s)		0 Tex. Admin. Code § 290.46(s)(1)	
Violation Description	Failed to calibrate th	e Facility's well meter at least once every three years.	
		Base Pe	nalty \$1,000
>> Environmental, Prope	rty and Human Hea	th Matrix	
Polone	Harm Major Madara		
Release OR Actua		te Minor	
Potentia		x Percent 7.0%	
>>Programmatic Matrix	Major Modora	to Minor	
Falsification	Major Modera	te Minor Percent 0.0%	
<u> </u>	<u> </u>		
Failure to c	alibrate the Facility's well n	neter could result in the operator obtaining inaccurate	well
		s served by the Facility being exposed to an insignifica	
amou	unt of contaminants which	would not exceed levels protective of human health.	in in the second of the second
000000000000000000000000000000000000000			
		Adjustment	\$930
			\$70
Violation Events			
Number of	Violation Events 1	30 Number of violation days	
	<u> </u>		
	daily		
	weekly		
mark only one	monthly quarterly	Violation Base Pe	nalty \$70
with an x	semiannual	Violation base re	marcy =
•	annual		
	single event x		
[-			
	One sin	gle event is recommended.	
Good Faith Efforts to Con	nply0.0 Before NOE/1		iction \$0
	Extraordinary	IOV NOE/NOV to EDPRP/Settlement Offer	
	Ordinary		
	N/A ×	(mark with x)	
	The Peer	condent does not meet the good faith criteria for	
	Notes	ondent does not meet the good faith criteria for this violation.	
	<u> </u>		
		Violation Sub	total \$70
Economic Benefit (EB) fo	r this violation	Statutory Limit Te	st
Fetima	ted EB Amount	\$35 Violation Final Penalty	Total \$81
LStillia	B-04-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-		
	This	violation Final Assessed Penalty (adjusted for lin	nits) \$81

	E	conomic	Benefit	Wo	rksheet		
Respondent		a u augusti et esta a a a trata de la composita de la composita de la composita de la composita de la composit					
Case ID No.	51837						
eg. Ent. Reference No.	RN101232676	5					
Media	Public Water 9	Supply					Years of
Violation No.	3					Percent Interest	Depreciation
						5.0	15
	Tham Cart	Date Beering	Einal Data		Tatasast Cauad	Onetime Costs	EB Amount
			i mai pate		Interest Saveu	Oneume costs	ED AINVUIL
Item Description	No commas or \$						
			000000000000000000000000000000000000000	30100000000111	**************************************	Annocombanos contro consumeros con	Medalahan dengan pertuan pertuan
Delayed Costs		-,		4			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a	\$0
Other (as needed)				0.00		n/a n/a	\$0 \$0
Other (as needed)		المستحصيت المستحصال		1.0.00	J3V	11/6	⊅U
Notes for DELAYED costs							
	L						
Avoided Costs	ANNUAL	TSE [1] avoided	costs before			for one-time avoi	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Disposal				0.00		\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]	\$31	13-Mar-2014	3-Feb-2016	2.81	\$0 \$4	\$31	\$0 \$35
Other (as needed)		1 13-Mai-2014	3-160-2010	0.00	\$4 \$0	\$0	\$33 \$0
Other (as needed)			·····	1 0.00	1 - Ψ0	1 ⊅0	<u> </u>
	The avoided	cost includes the	estimated amo	unt to	properly calibrate	the well meter at lea	ast once every
Notes for AVOIDED costs	three years,	calculated from th	ne date the Res	ponder	nt obtained owners	ship of the Facility to	the screening
	, ,			Marine (1 i a c	te.	· · · · · · · · · · · · · · · · · · ·	
	1						
				ца			
				ua			
Approx. Cost of Compliance		\$31	<u>.</u>		TOTAL		\$35

Screening Date		Docket No. 2016-0179-PWS-E	PCW
	t Aqua Utilities, Inc.		Policy Revision 4 (April 2014)
Case ID No Reg. Ent. Reference No			PCW Revision March 26, 2014
	Public Water Supply		
Enf. Coordinato	Ryan Byer		
Violation Numbe			
Rule Cite(s	30	Tex. Admin. Code § 290.46(n)(2)	
	Epilod to provide an accur	ate and up-to-date map of the distribution system	co that
Violation Description		ains can be easily located during emergencies.	SO CHAC
		Base F	Penalty \$1,000
>> Environmental, Prope	irty and Human Healt	th Matrix	
	Harm		
Release OR Actua		e Minor	
Potentia		Percent 0.0%	
>>Programmatic Matrix	Majau Madayata	Mineral Mineral	
Falsification	Major Moderate	Percent 15.0%	
		10.000 13.070	
Matrix			
Notes	100% of the	rule requirement was not met.	
		Adjustment	\$850
			\$150
			\$130
Violation Events			
Number of	Violation Events 1	30 Number of violation da	VS
i i i	Total of the state	Trumber of Violation du	, J
	daily		
	weekly monthly		
mark only one	quarterly	Violation Base F	Penalty \$150
with an x	semiannual		
	annual		
·	single event X		
	One sing	lle event is recommended.	
Good Faith Efforts to Con	nply 0.0	% Re	duction \$0
	Before NOE/NO		1
	Extraordinary		
	Ordinary N/A x	(mark with x)	
	Notes The Respo	ondent does not meet the good faith criteria for this violation.	
		Violation S	ubtotal \$150
Economic Benefit (EB) fo	r this violation	Statutory Limit T	est
Estima	ted EB Amount	\$14 Violation Final Penalt	y Total \$174
	Thic \	violation Final Assessed Penalty (adjusted for	limits) \$174
	1113 V	The state of the s	φ1/4

CAAA TA NA	E1027	Inc.					
Case ID No. eq. Ent. Reference No.	8						
	Public Water S						Years of
Violation No.		, аррі ў				Percent Interest	Depreciation
V.V.C., V						5.0	15
	Thom Cost	Date Required	Einal Data	V	Interest Sauce	Onetime Costs	EB Amount
Item Description			i mai Dece	,,,,	interest Saveu	Onetime Costs	LO Amount
salah kanggan salah sana 1 Sanan sasan salah kanan salah sa							
Delayed Costs						,	
Equipment		-		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0	\$0
Engineering/Construction		-		0.00	\$0 \$0	\$0	\$0 \$0
Land Record Keeping System	\$180	11-Mar-2015	13-Sep-2016	1.51	\$14	n/a n/a	\$0 \$14
Training/Sampling	3100	11-1-101-2013	13-36D-2010	0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)							
						rate and up-to-date	
Notes for DELAYED costs Avoided Costs	distribution s	ystem, calculated	from the date t	nount to he viol of comp	o develop an accu ation was initially pliance ng item (except	rate and up-to-date documented to the of the formal of the	map of the estimated date
Notes for DELAYED costs Avoided Costs Disposal	distribution s	ystem, calculated	from the date t	nount to the viol of compensation	o develop an accu ation was initially pliance ng item (except \$0	rate and up-to-date documented to the of the officers of the o	map of the estimated date ded costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	distribution s	ystem, calculated	from the date t	nount the viol of composite of composite of the composite	o develop an accu ation was initially pllance ng item (except \$0 \$0	rate and up-to-date documented to the of the	map of the estimated date ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling	distribution s	ystem, calculated	from the date t	nount the viol of composite of	o develop an accu ation was initially pliance ng item (except \$0 \$0 \$0	rate and up-to-date documented to the of the office of the	map of the estimated date ded costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	distribution s	ystem, calculated	from the date t	enterior 0.00 0.00 0.00	o develop an accu ation was initially pliance ng item (except \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	map of the estimated date ded costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	distribution s	ystem, calculated	from the date t	nount the viol of compensation	o develop an accu ation was initially pliance ng item (except \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	map of the estimated date ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/Equipment	distribution s	ystem, calculated	from the date t	enterior 0.00 0.00 0.00	o develop an accu ation was initially pliance ng item (except \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	map of the estimated date ded costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	distribution s	ystem, calculated	from the date t	nount the viol of compensation	o develop an accu ation was initially pliance ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	map of the estimated date ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	distribution s	ystem, calculated	from the date t	nount the viol of compensation	o develop an accu ation was initially pliance ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	map of the estimated date ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Screening Date		Docket No. 2016-0179-PWS-E	PCW
		Aqua Utilities, Inc.		olicy Revision 4 (April 2014)
n de la lace	Case ID No.		PC	W Revision March 26, 2014
	. Reference No.	Public Water Supply		
	nf. Coordinator			
	Violation Number			
	Rule Cite(s)	<u> </u>	le § 290.45(b)(1)(A)(ii) and Tex. Health & Safety Code §	
			341.0315(c)	
		15	ssure tank capacity of 50 gallons per connection. Specifical	- · · · · · · · · · · · · · · · · · · ·
Vic	olation Description		nections and is required to provide a minimum pressure ta ns. However, only 900 gallons were provided which is a 44	
		capacity of 1,600 gailo	deficiency.	70
			Base Pena	lty \$1,000
	2			
>> Enviro	nmental, Prope	rty and Human He Har		
	Release			
OR	Actual			
	Potential	x	Percent 15.0%	'
>>Prograi	mmatic Matrix	Major Modo	esta Minor	
	Falsification	Major Mode	rate Minor Percent 0.0%	
	Liza	<u> </u>	1 c. cent 0.070	
	Failure to pro	ovide adequate pressure	tank capacity could result in exposing persons served by t	ne l
13333333333333333333	atrix Facility to a s		aminants which would not exceed levels protective of hum	
N	otes		health.	
	<u> </u>			
			Adjustment \$8	350
***************************************				\$150
Violation I	Events			
	Number of	Violetian Events	Number of violation days	
	Number of	Violation Events 1	30 Number of violation days	
		daily		
		weekly		
		monthly		
	mark only one with an x	quarterly x	Violation Base Pena	lty \$150
		semiannual		
		annual		
		single event		
	One quarter		d, calculated from the date of the record review, January date of screening, February 3, 2016.	ייל
		2010, to the	date of screening, rebruary 5, 2010.	
A			NOO/ 1	on \$0
Good raiti	n Efforts to Com	Before NO	Reduct R	DII PU
		Extraordinary	/NOV NOLYNOV to EDINITY Section of the	
		Ordinary		
		N/A ×	(mark with x)	
		The De	and the date was the said faith within fai	
		Notes	spondent does not meet the good faith criteria for this violation.	
			Cino Violectoria	
			Violation Subto	tal \$150
			violation Subto	rai \$130
Economic	Benefit (EB) fo	r this violation	Statutory Limit Test	
0.000	Entire	ted EB Amount	\$673 Violation Final Penalty To	tal \$174
	Estima		the second secon	
		Th	is violation Final Assessed Penalty (adjusted for limi	ts) \$174

ea. Ent. Reference No.	RN101232676						
	Public Water 9					Percent Interest	Years of Depreciation
						5.0	1.5
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	11-Mar-2015	10-Feb-2017	1.92	\$32	\$641	\$673
Engineering/Construction				0.00	\$0	\$0	\$0
Land		 		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling		 		0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs		 		0.00	\$0 \$0	n/a	\$0 \$0
] 0.00	, DO	Processor Comments of the Comment of	
Other (as needed)						n/a e tank capacity of 5	\$0 0 gallons per
Notes for DELAYED costs	connection	n, calculated from	the date the vi	ount to olation compli	provide a pressur was initially docur iance.	n/a e tank capacity of 5 nented to the estima	\$0 0 gallons per ated date of
Notes for DELAYED costs Avoided Costs	connection	n, calculated from	the date the vi	ount to olation compli enteri i	provide a pressur was initially docur lance. ng item (except	n/a e tank capacity of 5 nented to the estima for one-time avoic	\$0 0 gallons per ated date of led costs)
Notes for DELAYED costs Avoided Costs Disposal	connection	n, calculated from	the date the vi	ount to olation compli enterii	provide a pressur was initially docur iance. ng item (except \$0	n/a e tank capacity of 5 nented to the estima for one-time avoic	\$0 0 gallons per ated date of ded costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	connection	n, calculated from	the date the vi	ount to olation complientering 0.00 0.00	provide a pressur was initially docur lance. ng item (except \$0 \$0	n/a n/a ne tank capacity of 5 nented to the estimate for one-time avoid \$0 \$0	\$0 0 gallons per ated date of ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	connection	n, calculated from	the date the vi	ount to olation compliance of the compliance of	provide a pressur was initially docur lance. ng item (except \$0 \$0 \$0 \$0 \$0	n/a e tank capacity of 5 nented to the estima for one-time avoid \$0 \$0 \$0 \$0	\$0 0 gallons per ated date of ded costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	connection	n, calculated from	the date the vi	enterion 0.00 0.00 0.00 0.00 0.00	provide a pressur was initially docur lance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a e tank capacity of 5 nented to the estima for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 0 gallons per ated date of ded costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	connection	n, calculated from	the date the vi	ount to olation compliance compli	provide a pressur was initially docur iance. ng item (except \$0 \$0 \$0 \$0 \$0	n/a e tank capacity of 5 nented to the estima for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 0 gallons per lated date of s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	connection	n, calculated from	the date the vi	enteria 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	provide a pressur was initially docur iance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a e tank capacity of 5 nented to the estima for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 0 gallons per ated date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	connection	n, calculated from	the date the vi	ount to olation compliance compli	provide a pressur was initially docur iance. ng item (except \$0 \$0 \$0 \$0 \$0	n/a e tank capacity of 5 nented to the estima for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 0 gallons per lated date of Solution
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	connection	n, calculated from	the date the vi	enteria 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	provide a pressur was initially docur iance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a e tank capacity of 5 nented to the estima for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 0 gallons per ated date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN602787509, RN101232676, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Owner/Operator:	t, or CN602787509, Aqua Utiliti		Classification: S		Rating	
Regulated Entity:	RN101232676, CENTENNIA	AL PLACE	Classification: N	IOT APPLICABLE	Rating	: N/A
Complexity Points:	N/A		Repeat Violator:	N/A		
CH Group:	14 - Other					
Location:	4831 LEWIS LANE NEAR PI	EARLAND, BRAZOI	RIA COUNTY, TEXAS			
TCEQ Region:	REGION 12 - HOUSTON					
ID Number(s): PUBLIC WATER SYSTEM/	SUPPLY REGISTRATION 02001	190				
				2015	Rating Date:	09/01/2015
Compliance History Pe	eriod: September 01, 2010 t	to August 31, 201!	Rating Year:	2013		
-		to August 31, 201! February 02, 2016				
Date Compliance Histo		February 02, 2016	5	2013		
Date Compliance Histo Agency Decision Requ	ory Report Prepared: iring Compliance History:	February 02, 2016	5 nt	2013		
Date Compliance Histo Agency Decision Requ Component Period Sel	ory Report Prepared: iring Compliance History:	February 02, 2016 Enforcement to February 02, 2	016			
Component Period Sel	iring Compliance History: ected: February 02, 2011	February 02, 2016 Enforcement to February 02, 2	ot 016 arding This Compli			
Date Compliance History Agency Decision Reque Component Period Sele TCEQ Staff Member to Name: Ryan Byer	ory Report Prepared: iring Compliance History: ected: February 02, 2011 Contact for Additional In	February 02, 2016 Enforcement to February 02, 2	ot 016 arding This Compli	ance History		
Date Compliance Histor Agency Decision Requivers Component Period Sel TCEQ Staff Member to Name: Ryan Byer Site and Owner/Ope	ory Report Prepared: iring Compliance History: ected: February 02, 2011 Contact for Additional Interpretation	Enforcement to February 02, 2016	ont 016 arding This Compli Phone: (ance History 512) 239-2571	/.	
Date Compliance Histor Agency Decision Requivalency Decision Requivalence Component Period Self CEQ Staff Member to Name: Ryan Byer Site and Owner/Operation Has the site been in existence.	pry Report Prepared: iring Compliance History: ected: February 02, 2011 Contact for Additional Interpretation History: erator History: ence and/or operation for the fu	Enforcement to February 02, 2016 formation Regular five year compli	ont 016 arding This Compli Phone: (ance History 512) 239-2571	/. /ES	
Date Compliance Histor Agency Decision Requivers Component Period Self TCEQ Staff Member to Name: Ryan Byer Site and Owner/Ope 1) Has the site been in exist 2) Has there been a (known	pry Report Prepared: iring Compliance History: ected: February 02, 2011 Contact for Additional Incomplete February erator History: eence and/or operation for the full others of the full	Enforcement to February 02, 2016 formation Regular five year complication of the site during	ant 016 Phone: (ance period? the compliance period?	ance History 512) 239-2571 Y	/.	
Date Compliance Histor Agency Decision Requivalency Decision Requivalence Component Period Sel TCEQ Staff Member to Name: Ryan Byer Site and Owner/Ope	pry Report Prepared: iring Compliance History: ected: February 02, 2011 Contact for Additional Interpretation for the full change in ownership/operator current owner/operator?	Enforcement to February 02, 2016 Enforcement to February 02, 2 formation Regular five year complision of the site during Aqua Utilities,	ont 016 arding This Compli Phone: (ance History 512) 239-2571 Y	/· /ES /ES	

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date:

04/09/2015

(1223412)

CN602787509

Self Report? NO

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description:

Failure to make available sanitary control easements for well #1 at the time of

investigation, or executive director approval for a substitute authorized in

§290.41(c)(1)(F)(iv).

Self Report?

Citation:

30 TAC Chapter 290, SubChapter D 290.42(I)

Description:

Failure to compile and maintain, a current, and thorough plant operations manual for

operator review and reference.

Self Report?

30 TAC Chapter 290, SubChapter D 290.43(d)(3)

Description:

Failure to equip the pressure tank with a capacity greater than 1000 gallons with some

sanitary means of determining the air to water ratio.

Self Report?

Classification:

Classification:

Classification:

Moderate

Moderate

Citation:

Citation:

30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description:

Failure by the regulated entity to calibrate the well meter required by 30 TAC

290.41(c)(3)(N) according to the manufacturer's specifications at least once every three

years.

Self Report?

NO

Classification:

Moderate

Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description:

Failure to prepare and maintain a map of the distribution system so that valves and

mains may be easily located during emergencies.

Self Report?

Classification:

Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

Description:

Failure to provide minimum pressure tank capacity of 50 gallons per connection.

2

Date:

09/18/2015

(1280285)

CN602787509

Classification:

Citation:

Self Report? NO

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

Description:

Failure to provide minimum pressure tank capacity of 50 gallons per connection.

F. Environmental audits:

G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

Participation in a voluntary pollution reduction program:

Early compliance:

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 2/2/2011 and 2/2/2016

1	Date: 02/ Self Report? Citation: Description:		(980582) For Informat apter 290, SubChapter I provide minimum well ca		i VIII)
	Self Report? Citation: Description:			ional pClassification: D 290.45(b)(1)(A)(ii) sure tank capacity of 50 g	
2	Self Report? Citation: Description: Self Report? Citation: Description:	Failure to NO 30 TAC Ch Failure to	For Information In	D 290.45(b)(1)(A)(i) apacity of 1.5 gallons per r Classifications D 290.45(b)(1)(A)(ii) sure tank capacity of 50 g	minute per connection. On Moderate
3*	Date: 04/ Self Report? Citation: Description: Self Report? Citation: Description:	Failure to investigating \$290.41(c) NO 30 TAC Chesilure to operator in NO 30 TAC Chesilure to sanitary in NO 30 TAC Chesilure by 290.41(c) years. NO 30 TAC Chesilure to mains may NO	on, or executive director (1)(1)(F)(iv). For Information and proper 290, SubChapter 290, SubC	Classification: D 290.41(c)(1)(F) control easements for well approval for a substitute Classification: D 290.42(I) current, and thorough pla Classification: D 290.43(d)(3) with a capacity greater the air to water ratio. Classification: D 290.46(s)(1) calibrate the well meter reconstruction approaches a considerable and considerable and considerable are considerable. Classification: D 290.46(n)(2) map of the distribution system of the distribution system and considerable and considerable. Classification: Classification: D 290.46(n)(2) map of the distribution system and considerable and consi	#1 at the time of authorized in Moderate Int operations manual for Moderate Int 1000 gallons with some Int Moderate Int Mo
4	Date: 09/ Self Report? Citation: Description:		(1280285) For Informat apter 290, SubChapter provide minimum pressu		· VIIIY

^{*} NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

Appendix B

All Investigations Conducted During Component Period February 02, 2011 and February 02, 2016

Item 1	March 02, 2012**	For (980582) rmational	Purposes	Only
Item 2	September 14, 2012**	For ⁽¹⁰³⁰³³⁶⁾ mational		
Item 3	October 07, 2013**	For ⁽¹⁰⁷⁶⁸³⁷⁾ mational		
Item 4	July 08, 2014**	For ⁽¹ 178349) mational		
Item 5	April 02, 2015**	For ⁽¹ ?23412)mational		
Item 6	September 23, 2015	For (1280285) mational		
Item 7	January 27, 2016	For ⁽¹³⁰¹⁴⁰¹⁾ mational		*

^{*} No violations documented during this investigation

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
AQUA UTILITIES, INC.	§	
RN101232676	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2016-0179-PWS-E

At its	agenda, the Texas Commission on Environmental Quality
("the Commission" or "TCE	Q") considered this agreement of the parties, resolving an
enforcement action regardi	ng Aqua Utilities, Inc. (the "Respondent") under the authority of
TEX. HEALTH & SAFETY COD	E ch. 341. The Executive Director of the TCEQ, through the
Enforcement Division, and	the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 4831 Lewis Lane near Pearland, Brazoria County, Texas (the "Facility") that has approximately 32 service connections and serves at least 25 people per day for at least 60 days per year.

- 2. During a record review conducted on January 4, 2016, TCEQ staff documented that the Respondent did not obtain a sanitary control easement covering land within 150 feet of Well No. 1.
- 3. During a record review conducted on January 4, 2016, TCEQ staff documented that the Respondent did not to provide a thorough and up-to-date plant operations manual for operator review and reference.
- 4. During a record review conducted on January 4, 2016, TCEQ staff documented that the Respondent did not calibrate the Facility's well meter at least once every three years.
- 5. During a record review conducted on January 4, 2016, TCEQ staff documented that the Respondent did not provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.
- 6. During a record review conducted on January 4, 2016, TCEQ staff documented that the Respondent did not provide a pressure tank capacity of 50 gallons per connection. Specifically, the Facility has 32 connections and is required to provide a minimum pressure tank capacity of 1,600 gallons. However, only 900 gallons were provided which is a 44% deficiency.
- 7. The Respondent received notice of the violations on February 1, 2016.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to obtain a sanitary control easement covering land within 150 feet of Well No. 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to provide a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 Tex. Admin. Code § 290.42(1).
- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
- 5. As evidenced by Findings of Fact No. 5, the Respondent failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 Tex. Admin. Code § 290.46(n)(2).

- 6. As evidenced by Findings of Fact No. 6, the Respondent failed to provide a pressure tank capacity of 50 gallons per connection, in violation of 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii) and Tex. Health & Safety Code § 341.0315(c).
- 7. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 8. An administrative penalty in the amount of Six Hundred Eighty-Four Dollars (\$684) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid the Six Hundred Eighty-Four Dollar (\$684) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Six Hundred Eighty-Four Dollars (\$684) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aqua Utilities, Inc., Docket No. 2016-0179-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, calibrate the Facility's well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;

- c. Within 60 days after the effective date of this Agreed Order:
 - i. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 Tex. ADMIN. CODE § 290.42; and
 - ii. Provide an up-to-date map of the distribution system that includes the locations of all mains and valves, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i and 2.c.ii;
- e. Within 90 days after the effective date of this Agreed Order, either obtain a sanitary control easement that covers all land within 150 feet of Well No. 1, in accordance with 30 Tex. Admin. Code § 290.41, or obtain an exception to the requirement pursuant to 30 Tex. Admin. Code § 290.39(l). Exception requests shall be submitted to:

Technical Review and Oversight Team Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e;
- g. Within 180 days after the effective date of this Agreed Order, provide a minimum pressure tank capacity of 50 gallons per connection, in accordance with 30 Tex. ADMIN. CODE § 290.45; and
- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

	·
For the Commission	Date
Rama Mansie Do	717/16
For the Executive Director	Date
I, the undersigned, have read and understand the Utilities, Inc. I am authorized to agree to the attacond in accepting payment for the penalty amount, is not accepting payment for the penalty amount, is not accepting payment for the penalty amount, is not accept the penalty amount.	ched Agreed Order on behalf of Aqua Utilities, litions. I further acknowledge that the TCEO.
I understand that by entering into this Agreed Order procedural rights, including, but not limited to, the by this Agreed Order, notice of an evidentiary hear the right to appeal. I agree to the terms of the Agreed Order constitutes full and final adjuded forth in this Agreed Order.	ne right to formal notice of violations addressed wring, the right to an evidentiary hearing, and reed Order in lieu of an evidentiary hearing.
and	may result in: s submitted; al's Office for contempt, injunctive relief, or to a collection agency; nent actions; l's Office of any future enforcement actions;
 TCEQ seeking other relief as authorized by In addition, any falsification of any compliance do 	y law. Douments may result in criminal prosecution
Signature Signature	5/11/16 Date
Robert Laighman	President
Name (Printed or typed)	Title
Authorized Representative of	
Aqua Utilities, Inc.	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.